

10/519156

DT05 Re PCT/PTO 17 DEC 2004

Date: December 17, 2004 Label No. EV428580235US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald S. Prater
Name (Print)

Donald S. Prater
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Kürschner et al.)	Examiner:	Unassigned
)		
Application No.:	Unassigned)	Group Art Unit:	Unassigned
)		
Filed:	December 17, 2004)	Confirmation No.:	Unassigned
)		
Docket No.:	3075-005)	Customer No.:	33432

For: EXTRACT OBTAINED FROM BY-PRODUCTS OF HARD-SHELLED FRUIT AND PULSE
PROCESSING, METHOD FOR ITS PRODUCTION AND USE

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 17, 2004

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Information Disclosure Statement is being submitted before expiration of the three-month period following filing of the above-captioned application.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO-1449 be made of record therein and appear

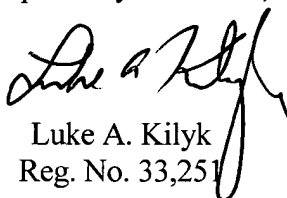
on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925.

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No.: 3075-005
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720
Enclosures: Form PTO-1449, w/ 7 Documents

FORM PTO-1449 (REV 7-80)	Atty. Docket No. 3075-005	Application No. Unassigned
INFORMATION DISCLOSURE STATEMENT	APPLICANT: Kathleen Kürschner et al.	
	Filing Date: December 17, 2004	Group Art Unit: Unassigned

U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE, IF APPROPRIATE	
	2,128,850	08/30/38	Richards				
	2,510,119	06/06/50	Lathrop				
	4,383,833	05/17/83	Hoffmann	8	438		
	4,481,226	11/06/84	Crosby et al.	426	540		
	5,908,650	06/01/99	Lenoble et al.	426	262		

FOREIGN PATENT DOCUMENTS								
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION			
WO 01/53418 A2	07/26/01	WIPO	C09B	61/00	yes			
WO 01/53418 A3	07/26/01	WIPO	C09B	61/00	yes			
52109529	09/13/77	Japan	C09B	61/00	Abstract			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Hanefled et al., "The occurrence of proanthocyanidins, leucoanthocyanidins and catechins in vegetables," Journal Fruits, Vegetables, and Nuts, Vol. 161, No. 3, pp. 243-248 (1976) Abstract only
	Kays, et al., "Chronological sequence of pigment development in the kernels of pecan cultivar Stuart," Journal Fruits, Vegetables, and Nuts, Vol. 6, No. 3, pp. 213-222, (1977) Abstract only
	Mathew, et al., "Polyphenols of cashew kernel testa," Journal of Food Science, Vol. 35, No. 2, pp. 140-143 (1970) Abstract only
	Kucuk, "Liquefaction of hazelnut seed coat by supercritical gas extraction," Energy Convers. Mgmt. Vol. 36, No. 2, pp. 145-148 (1995).

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.